

Existing law provides procedures by which parishes and municipalities may dispose of abandoned motor vehicles.

New law retains existing law and adds an additional procedure as follows:

- (1) Whenever any motor vehicle is found to be abandoned by any municipality or parish policing authority because it is illegally parked or left on a public street, way, road, or highway, the municipality or parish is required to post a notice on the windshield of the vehicle directing that the vehicle be removed from the location within 48 hours, not to include weekends or legal holidays. In addition the notice must state that the failure to remove the vehicle may result in the vehicle being removed by the municipality, parish, or a tow truck operator acting on behalf of the municipality or parish.
- (2) If the abandoned motor vehicle is not removed within 48 hours, excluding weekends or legal holidays, from date of posting of notice, the motor vehicle may be removed and disposed of by a tow truck operator acting on behalf of the municipality or parish. These procedures constitute the request of the parish or municipality to remove the vehicle.
- (3) The tow truck operator shall store and may dispose of the vehicle pursuant to the Louisiana Towing and Storage Act. The municipality or parish shall have no civil or criminal liability for the acts or omissions committed by the tow truck operator.

Existing law (the Louisiana Towing & Storage Act) provides procedures for the towing and storage industry to dispose of abandoned, derelict, or junk vehicles by selling, crushing, or dismantling.

New law retains existing law and establishes an alternative method that is only applicable when the abandoned vehicle has been towed pursuant to the request of a municipality or parish as provided in new law and the vehicle has a fair market value of \$500 or less.

New law provides that each tow truck owner-operator who possesses a vehicle which meets the criteria set forth in new law above may crush or dismantle that vehicle provided the tow truck owner-operator satisfies each of the following requirements:

- (1) The tow truck owner-operator has complied with the provisions of R.S. 32:1719 (notice to Dept. of Public Safety and Corrections) and R.S. 32:1720 (certified letter to owner).
- (2) The tow truck owner-operator has had the vehicle physically inspected by a full-time Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer.
- (3) The tow truck owner-operator obtains two appraisals from competent appraisers showing that the vehicle has a fair market value of \$500 or less.
- (4) The tow truck owner-operator takes a picture of each and every side of the vehicle prior to crushing or dismantling which is a clear, color photograph.
- (5) Thirty days has elapsed after the mailing of the certified letter to the

owner required by R.S. 32:1720.

New law requires the tow truck owner-operator to execute an affidavit and send it to the office of motor vehicles, by certified mail, return receipt requested, within seven days after a vehicle has been crushed or dismantled notifying the office that the vehicle has been crushed or dismantled including a description and an identification number of the vehicle and the findings of the physical inspection required by new law.

New law requires the tow truck owner-operator to maintain the physical inspection form, the two appraisals, the pictures of the vehicle, a copy of the original report required by R.S. 32:1719, documentation of the request of the municipality or parish that the vehicle be removed, a copy of any letter sent to the owner, lienholder, or chattel mortgage holder, and the post office receipt of delivery or nondelivery for a period of at least five years, open to inspection by peace officers at any time during business hours.

New law further provides that the municipality or parochial authority shall have no liability as a result of the disposal of a vehicle under these provisions.

Effective August 15, 1999.

(Adds R.S. 32:473.1 and 1728.3)